

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CARLINE CURRY,)	
)	Case No. 1:05-CV-03000
Plaintiff,)	
)	JUDGE ANN ALDRICH
v.)	
)	
INVENTION SUBMISSION)	
CORPORATION, et al.,)	
)	<u>ORDER</u>
Defendants.)	
)	

Before the court are plaintiff Carline Curry's ("Curry") motion to compel [Docket No. 34] and defendant Law Offices of Douglas MacKenzie's ("MacKenzie") motion for a protective order [Docket No. 35]. Curry seeks, among other things, an order of this court directing four non-parties and one dismissed party to answer her interrogatories, and to have those five individuals along with MacKenzie submit their answers within ten days. However, Federal Rule of Civil Procedure 33 clearly states that interrogatories may only be served by and upon *parties* to litigation, and that parties served have 30 days to answer. Fed. R. Civ. P. 33(a), (b)(3). Curry therefore cannot serve interrogatories upon non-parties or dismissed parties, much less seek an order of this court compelling those non-parties or dismissed parties to answer. As for the interrogatories directed towards MacKenzie, the rule clearly states that MacKenzie shall have 30 days to respond, unless consent is given for a different time period or a different time period is ordered by the court. Curry has provided the court with no reason to set a different time for response, and MacKenzie has not consented to a different time.

The court therefore denies Curry's motion [Docket No. 34] in its entirety and grants MacKenzie's motion [Docket No. 35]. The interrogatories directed at Mr. Edenhart, Mr. Eatmon Jr., Mr. Eatmon III, Mr. Roberts and Mr. Berger are hereby stricken from the record pursuant to Federal

Rule of Civil Procedure 12(f). MacKenzie must respond to the interrogatories as required by Rule 33, but has 30 days to respond. Fed. R. Civ. P. 33(b)(3).

IT IS SO ORDERED.

/s/Ann Aldrich
ANN ALDRICH
UNITED STATES DISTRICT JUDGE

Dated: June 22, 2007